



07-15-05

3626  
en

85ER-00114  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mark E. Lundegran :  
Serial No.: 09/681,413 : Art Unit: 3626  
Filed: March 30, 2001 : Examiner: Rachel L. Porter  
For: REINSURANCE AUCTION :  
PROCESS :

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL

1. Transmitted herewith is:  
Transmittal (3 pgs., in duplicate); Response to Restriction Requirement in response to Office Action dated June 29, 2005 (3 pgs.); Return post card

STATUS

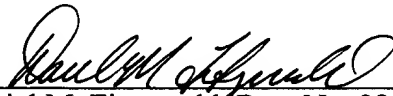
2. Applicant  
☐ claims small entity status.  
☒ is other than a small entity.

CERTIFICATE OF MAILING BY EXPRESS MAIL TO  
THE COMMISSIONER FOR PATENTS

Express Mail Label No.: EV593384180US

Date: July 14, 2005

I hereby certify that the documents listed above are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Daniel M. Fitzgerald, Reg. No. 38,880

### EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. 1.136  
(Fees: 37 C.F.R. 1.17(a)-(d) for the total number of months checked below:)

Extension for response within:	Other than small entity Fee	Small entity Fee (if applicable)
<input type="checkbox"/> first month	\$ 120.00	\$ 60.00
<input type="checkbox"/> second month	\$ 450.00	\$ 225.00
<input type="checkbox"/> third month	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> fourth month	\$ 1,590.00	\$ 795.00
<input type="checkbox"/> fifth month	\$ 2,160.00	\$1,080.00
	Fee Due	\$

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

- ☐ An extension of \_\_\_\_\_ months has already been secured. The fee paid therefor \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$

**OR**

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

### FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY	OR	OTHER THAN SMALL ENTITY
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	ADDITIONAL RATE FEE		ADDITIONAL RATE FEE
TOTAL INDEP.	MINUS		=0	x \$25.00 = \$		x \$50.00 = \$
	MINUS		=0	x \$100.00 = \$		x \$200.00 = \$
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$180.00 = \$		+ \$360.00 = \$
				TOTAL ADDITIONAL FEE \$	OR	TOTAL ADDITIONAL FEE \$

- (a) ☒ No additional fee for Claims is required

OR

- (b) ☐ Total additional fee for claims required \$

**FEE PAYMENT**

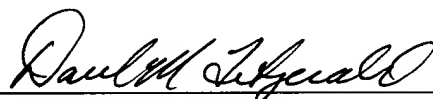
5.        Attached is a check in the sum of \$                       
☐ Charge Deposit Account No. 01-2384 the sum of \$  
A duplicate of this transmittal is attached.

**FEE DEFICIENCY**

6. ☒ If any additional extension and/or fee is required, charge Deposit Account No. 01-2384.

AND/OR

- ☒ If any additional fee for claims is required, charge Deposit Account No. 01-2384.  
7. ☐ Other:

  
\_\_\_\_\_  
Daniel M. Fitzgerald  
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One Metropolitan Square, Suite 2600  
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314/621-5070



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**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop AMENDMENT  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Office Action mailed June 29, 2005 has been carefully reviewed and the following remarks have been submitted in consequence thereof. In response to the election requirement set forth in the Office Action, Applicant elects, with traverse, for prosecution in this application all claims of Group I as identified in the Office Action, namely, Claims 1-36, "drawn to method of underwriting a reinsurance product".

Reconsideration of the restriction requirement imposed under 35 U.S.C. § 121 is respectfully requested. The restriction requirement is traversed because the inventions set out by the claims in Groups I and II are clearly related. Applicant submits that a thorough search and examination of each of these claim groups would be relevant to the examination of the other group and would not be a serious burden on the Examiner. More specifically, the Office Action asserts that the claims of Group I are drawn to a "method of underwriting a reinsurance product", and the claims of Group II are drawn to "a graphical user interface for insurance auctioning". Applicant respectfully traverses these assertions. Applicant submits that the claims of Group I are actually drawn to a method of coordinating, by a sponsor, an auction for providing reinsurance for an insurance program, and the claims of Group II are actually drawn to an interactive system for auctioning insurance. In other words, the claims of Groups I and II are

directed to a method of coordinating an insurance auction, and an interactive system for auctioning insurance, respectively. Accordingly, Applicant submits that the claims of Group I and the claims of Group II are clearly related.

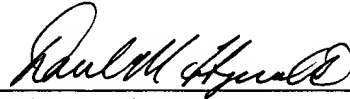
Because the claims of Group I and the claims of Group II are clearly related, Applicant further submits that it would not present an unreasonable burden on the Examiner to examine both these claim Groups. For at least these reasons, it is respectfully submitted that the restriction requirement is improper and should be withdrawn.

The restriction requirement with respect to the claims in Groups I and II is further traversed. The Office Action asserts that the claims in Groups I and II are “related as subcombinations disclosed as usable together in a single combination” and that the “subcombinations are distinct from each other if they are shown to be separately usable.” The Office Action further asserts that the claims in Group II have “separate utility such as allowing users to learn about and exchange financial products and services online” and that the claims in Group I have “a different use such as underwriting for securities”. Applicant respectfully disagrees with these assertions and submits that the claims of Group I are drawn to a method of coordinating an insurance auction. Accordingly, in contrast to what is asserted in the Office Action, the claims of Group I are not directed to a use such as underwriting for securities, but rather are clearly directed to a method of coordinating an insurance auction. Moreover, in contrast to what is asserted in the Office Action, the claims of Group II are not direct to a use such as allowing users to learn about and exchange financial products and services online, but rather are clearly directed to an interactive system for auctioning insurance.

Applicant therefore submits that the claims of Group I and the claims of Group II are both directed to an insurance auction. Accordingly, Applicant submits that the claims of Group I and Group II are not patentably distinct.

In addition, requirements for restriction are not mandatory under 35 U.S.C. Accordingly, reconsideration of the restriction requirement is requested.

Respectfully Submitted,



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